



UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE
United States Patent and Trademark Office
Address: COMMISSIONER OF PATENTS AND TRADEMARKS
Washington, D.C. 20231
www.uspto.gov

| APPLICATION NO. | FILING DATE | FIRST NAMED INVENTOR | ATTORNEY DOCKET NO. | CONFIRMATION NO. |
|-----------------|-------------|----------------------|---------------------|------------------|
| 09/940,539 | 08/29/2001 | Michael M. Ramarge | 08215-467001 | 4733 |

26171 7590 11/08/2002

FISH & RICHARDSON P.C.
1425 K STREET, N.W.
11TH FLOOR
WASHINGTON, DC 20005-3500

EXAMINER

EASTHOM, KARL D

ART UNIT PAPER NUMBER


2832

DATE MAILED: 11/08/2002

Please find below and/or attached an Office communication concerning this application or proceeding.

AK

Office Action Summary

| | | |
|--------------------------------------|---------------------------------------|---|
| Application No. 09/940,539 | Applicant(s) Ramarge et al. | |
| Examiner Karl Easthom | Art Unit 2832 |  |

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136 (a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) Responsive to communication(s) filed on _____
- 2a) This action is FINAL. 2b) This action is non-final.
- 3) Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11; 453 O.G. 213.

Disposition of Claims

- 4) Claim(s) 1-54 is/are pending in the application.
- 4a) Of the above, claim(s) 28-54 is/are withdrawn from consideration.
- 5) Claim(s) _____ is/are allowed.
- 6) Claim(s) 1-27 is/are rejected.
- 7) Claim(s) _____ is/are objected to.
- 8) Claims _____ are subject to restriction and/or election requirement.

Application Papers

- 9) The specification is objected to by the Examiner.
- 10) The drawing(s) filed on _____ is/are a) accepted or b) objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- 11) The proposed drawing correction filed on _____ is: a) approved b) disapproved by the Examiner.
If approved, corrected drawings are required in reply to this Office action.
- 12) The oath or declaration is objected to by the Examiner.

Priority under 35 U.S.C. §§ 119 and 120

- 13) Acknowledgement is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
a) All b) Some* c) None of:
 1. Certified copies of the priority documents have been received.
 2. Certified copies of the priority documents have been received in Application No. _____
 3. Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
*See the attached detailed Office action for a list of the certified copies not received.
- 14) Acknowledgement is made of a claim for domestic priority under 35 U.S.C. § 119(e).
a) The translation of the foreign language provisional application has been received.
- 15) Acknowledgement is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

Attachment(s)

- 1) Notice of References Cited (PTO-892) 4) Interview Summary (PTO-413) Paper No(s). _____
- 2) Notice of Draftsperson's Patent Drawing Review (PTO-948) 5) Notice of Informal Patent Application (PTO-152)
- 3) Information Disclosure Statement(s) (PTO-1449) Paper No(s). _____ 6) Other:

Art Unit: 2832

1. Applicant's election without traverse of Group I, claims 1-27 in Paper No. 4 is acknowledged.
2. Claims 22-27 are rejected under 35 U.S.C. 102(b) as being anticipated by Kester et al. The claimed invention is disclosed at Figs. 9, and 11 with bonded stack 12, 18, 12, and reinforcing structure 126. In claims 25 and 26, the matrix is circumferentially and vertically applied since it circles the device and extends from end to end. Or the fibrous tapes 24 9 (vertical) or 28(vertical and circumferential) are preimpregnated with resins 22 or 25-27. See col. 6, lines 34-50, disclosing the preimpregnation of the fibrous tapes.
3. Claims 1-13, 16-19, and 21-26 are rejected under 35 U.S.C. 102(b) as being anticipated by Schmidt et al. Schmidt et al. discloses the claimed invention at Fig. 1, with "at least one" MOV disk meeting claims 1 and 22, and reinforcing structure 1 having random glass fibers, meeting claim 7, or impregnated tape, cols. 3-4, lines 59-15, meeting claims 5-9. In claim 6, some of the fibers are oriented to at least one of the axis of the element. The claim uses "comprises" so that all fibers need not be so oriented. In claims 12 and 17, the matrix is wound so that the tape has a circumferential component and a vertical component. In claims 18-19, the fiber matrix 1 is vertical and circumferential since it has the same shape as the stack.
4. Claims 1-21 are rejected under 35 U.S.C. 102(b) as anticipated by or, in the alternative, under 35 U.S.C. 103(a) as obvious over Kester et al. Kester discloses the claimed essentially invention as noted above, where here, the array meets the limitation of a monolithic disk having ends in contact with two terminals accessible from an exterior of the apparatus (where it is

Art Unit: 2832

assumed here that the claim requires one and only one MOV disk). That is, the electrical apparatus is disclosed at col. 4, lines 25-35 as "relat[ed] to the coating" and "not limited to any particular ... number". Consequently the number "one" is contemplated for the disks, where one of skill would contemplate using the coating on one disk, meeting the claim, since the number one is included in the three devices of fig. 1.

As an alternative, Schmidt discloses using only one disk in a similar apparatus depicted as having three elements, disclosing explicitly "at least one block" at col. 1, lines 40-50, so that it would have been obvious to employ only one block especially where the invention of Kester et al. is directed to the coating. For claims 2-4, see col. 4, lines 15-20. For claims 5-9, col. 6, lines 34-50 disclose fibers in the tape as strands so that they have predetermined and uniform length less than the length of the tape, where the tape is substantially equal to the array length. In claim 7, the random fibers 126 meet the claim. In claim 12, the tape 28 is circumferential. In claims 18-19, see tape 24. In claim 15, the angle of tape 28 is "approximately" at 10 degrees where the term is broadly construed. Or, it the fibers are at about 3 degrees with respect to the tape, where there is no frame of reference.


5. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Karl Easthom whose telephone number is (703)308-3306. The examiner can normally be reached on M-Th. If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Elvin Enad, can be reached on (703)308-7619. The fax phone number for the organization where this application or proceeding is assigned is (703)308-

Application/Control Number: 09/940539

Page 4

Art Unit: 2832

7722. Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is 703-308-0956.


KARL D. EASTHOM
PRIMARY EXAMINER